

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

DEBRA LYNN MERCER-ERWIN (1)
KAYLEIGH MOFFETT (2)
CARLOS ROCHA VILLARRUTIA (5)

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Cause No. 4:20-CR-212
Judge Mazzant

ORDER GRANTING MOTION FOR CONTINUANCE

The Motion for Continuance filed by Defendants (Dkt. #313) is granted. The Court, having considered the factors set forth in 18 U.S.C. § 3161, finds as follows:

1. Government's request is made knowingly, intelligently, and voluntarily.
2. The ends of justice served by granting the Government's request outweighs the best interest of the public and the Defendant's in a speedy trial.
3. The continuance is required to assure the necessary time for counsel to prepare effectively for trial, taking into account the exercise of due diligence.
4. The period of delay due to the motion for continuance is the period from the date of the motion through the date of the new trial setting, and this is excludable time under the Speedy Trial Act.

The Court notes the opposition of Defendant, Carlos Rocha Villaurrutia, however, based on this order, the trial and pretrial motion deadlines of all co-defendants are continued as well. See 18 U.S.C. § 3161(h)(6) (excluding “[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted”).

The motion of the Defendants are granted, and this case is RESET and specially set for Final Pretrial Conference on April 10, 2023 at 9:00 a.m. with Jury Selection and Trial to begin on April 10, 2023 at 10:00 a.m. The Court has set aside two (2) weeks for the trial of this case per the request of the Parties.

IT IS SO ORDERED.

SIGNED this 8th day of December, 2022.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE